IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NEW YORK

FARM SANCTUARY, et al.,	
Plaintiffs,)
v.) Case No. 6:20-cv-6081-EAW-MWP
THOMAS VILSACK, in his official capacity as Secretary of Agriculture, et al.,)))
Defendants.)))

DEFENDANTS' RESPONSE TO PLAINTIFFS' MOTION TO COMPLETE THE ADMINISTRATIVE RECORD

Defendants produced and certified the administrative record in this case on December 9, 2021, ECF No. 40. The parties agreed, and the Court ordered, that Plaintiffs would have until January 12, 2022 to raise with the Court any concerns about the record. *See* ECF No. 41. Before that deadline, Plaintiffs raised just one issue with Defendants—a request to add a two-page email thread, to which Defendants agreed, *see* ECF No. 43. Plaintiffs filed no motion concerning the record before the January 12, 2022 deadline.

Plaintiffs have now filed a belated Motion to Complete the Administrative Record. *See* ECF No. 56. Notwithstanding the lack of explanation for the untimeliness of that motion, Defendants do not oppose the requested relief as the materials in question were considered by USDA in responding to Plaintiffs' rulemaking petition. For that reason, Defendants had previously advised Plaintiffs that they could cite, without objection from Defendants, the materials in question to avoid the need to involve the Court.

Dated: April 21, 2022 Respectfully submitted,

¹ The original Scheduling Order set Plaintiffs' deadline as December 22, 2021, *see* ECF No. 39, but the Court approved the parties' stipulated request to move that deadline back to the following month. *See* ECF No. 41.

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